

Serial No.: 09/751,835

Attorney's Docket No.: 10555/355001/P10032

REMARKS

Claims 15-36 were pending prior to amendment, with claims 15-20 being withdrawn. Please add new claims 37-42.

I. The Assertion of Non-Responsiveness

The office action of December 14, 2004 notes that the amendment filed on October 8, 2004 has been entered and made of record. The office action of December 14, 2004 asserts that the amendment filed on October 8, 2004 was non-responsive. In the current response, claims 37-42 are added. Claims 37-42 are similar to original claims 9-14, part of originally elected Group I. Thus, it is believed that the current response addresses all of the outstanding issues.

II. Response to Rejections

In the first office action, claims 1-14 were rejected as allegedly being unpatentable over U.S. Patent No. 6,021,433 to Payne ("Payne"). In view of the amendments and remarks herein, the rejections are respectfully traversed. Reconsideration and allowance are respectfully requested.

A. New Claims 37-42

As noted above, new claims 37-42 are similar to original claims 9-14. Claims 9-14 were rejected under 35 U.S.C. 102(e) as allegedly being unpatentable in view of U.S. Patent No. 6,021,433 to Payne ("Payne").

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Claim 37 differs from claim 9 in that it includes the features "receiving an alert from at one of the plurality of recipients," and "generating a second data field that identifies the type of alert management message, wherein the type of alert management message is based on the alert." (Emphasis added). Payne neither teaches nor suggests these features.

Payne is directed to a different type of system. Rather than receiving an alert and generating a data field identifying the type of alert management message based on the alert, the alerts of Payne are personal alerts sent from the central broadcast server to one or more users: "Personal alert notifications, illustrated in FIG. 6, contain alert information targeted to specific users, including but not limited to notifications regarding E-mail arrival, stock prices reaching specified values, Internet telephone calls, chats or meeting notices." (Please see column 12, lines 63-67 of Payne).

Thus, Payne neither teaches nor suggests receiving an alert and generating a data field identifying a type of alert management message that is based on the alert. Claim 37 is thus patentable over Payne.

Claims 38 and 39 depend from claim 37, and are therefore patentable for at least the above reasons.

Claim 40 includes features similar to those discussed above with respect to claim 37, and is therefore patentable for at

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least similar reasons. Claims 41 and 42 depend from claim 40, and are therefore patentable for at least the above reasons.

B. Previously presented claims 21-36

As noted in the previous response, claims 21-36 are supported in the specification; therefore, no new matter is added.

Claims 21-36 more clearly emphasize the patentable aspects of the current specification. For example, claim 21 recites "an alert handler configured to received information indicative of one or more received alerts," where the received alerts are included in "interactive communication." The alert handler is further configured to "generate a broadcast alert management message in response to at least one of the received alerts."

That is, the system of claim 21 is configured so that alerts are received via an interactive communication channel, while an alert management message is broadcast. As noted in the specification, "In some circumstances, the head end cannot open an interactive channel with a client." (Please see page 2, lines 10-11 of the specification). "When the head end lacks control to initiate an interactive channel with a client, the head end may be unable to pass alert management messages to the client on an interactive channel." (Please see page 3, lines 15-18 of the specification). Thus, the features of claim 21

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allow alert management information to be transmitted to one or more clients, even in the absence of an interactive channel.

Payne neither teaches nor suggests the above features of claim 21. Note that the "alerts" referred to in FIG. 6 of Payne (cited in the office action) are personal alerts: "Personal alert notifications, illustrated in FIG. 6, contain alert information targeted to specific users, including but not limited to notifications regarding E-mail arrival, stock prices reaching specified values, Internet telephone calls, chats or meeting notices." (Please see column 12, lines 63-67 of Payne).

Other claims include additional features not found in Payne. For example, Payne neither teaches nor suggests an alert handler configured to "generate a first broadcast alert management message in response to a first received alert at a first time," and to "generate a second broadcast alert management message in response to the first received alert at a second time subsequent to the first time" as recited in claim 22.

First, Payne does not teach or suggest generating alert management messages in response to a received alert. Instead, Payne teaches generating an alert (which is a personal alert, please see above), and broadcasting the alert to one or more users. Thus, Payne certainly does not teach or suggest

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generating two alert management messages in response to a single received alert.

For at least the above reasons, claims 21-36 are in condition for allowance, and a notice to that effect is respectfully solicited.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Claims 21-42 are in condition for allowance, and a notice to that effect is respectfully solicited. If the Examiner has any questions regarding this response, the Examiner is invited to telephone the undersigned at (858) 678-4311.

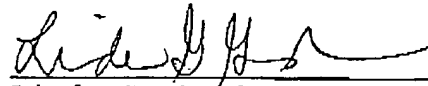
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No fees are believed due. Please apply any other charges
or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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